

# United States District Court

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SOUTHERN DISTRICT OF IOWA

UNITED STATES OF AMERICA  
CLERK U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF IOWA

V.

## CRIMINAL COMPLAINT

TIMOTHY LANTZ

CASE NUMBER: 4:12-MJ-216


I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief.

By in or around September 19, 2012, to the present, in the Southern District of Iowa, defendant(s) did *knowingly and intentionally manufacture marijuana in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(B).*

I further state that I am a *Special Agent* with the *Drug Enforcement Administration* and that this Complaint is based on the following facts:

See Affidavit attached and incorporated herein

Continued on the attached sheet and made a part of this Complaint: ☒ Yes ☐ No


  
Korey F. Bearden, Special Agent  
Drug Enforcement Administration

Sworn to before me and signed in my presence,

September 20, 2012 at  
Date

Des Moines, Iowa  
City and State

Celeste F. Bremer  
U.S. Magistrate Judge  
Name and Title of Judge

  
Signature of Judge

## **AFFIDAVIT**

I, Korey F. Bearden, am a duly sworn Special Agent with the Drug Enforcement Administration (DEA), United States Department of Justice and have been so employed since July 2002. Prior to my employment with the DEA, I was employed as a Police Officer with the Ankeny Police Department, Ankeny, Iowa, for approximately seven years. I am currently assigned to the DEA Des Moines Resident Office, Group #53. The Attorney General has empowered me with Title 21 Authority under the United States Code, which authorizes seizures and arrests for violations of the Controlled Substances Act. I have been involved in numerous investigations that have resulted in numerous arrests and seizures of controlled substances. I am currently involved in an investigation targeting subjects involved in the indoor cultivation and trafficking of marijuana in the Southern District of Iowa. My investigation has shown the following events detailed in paragraphs below.

1. On November 19, 2010, the Polk County Sheriff's Office was contacted by a manager of a storage facility at 4360 NE 38<sup>th</sup> Street, Des Moines, Iowa. Due to unpaid rent, the manager had entered a storage unit and found several suspicious items within the unit. Responding Deputies noted that the stored items were consistent with equipment utilized in indoor marijuana grow operations. Detectives with the Mid Iowa Narcotics Enforcement (MINE) Drug Task Force were called to the scene and subsequently seized all of the suspect items. Included in the MINE property inventory were forty (40) Harvest Pro 600 watt inverters, approximately seventy-five (75) plastic swimming pools, two (2) 110 gallon plastic containers, five hundred (500) plastic pots, thirty-four (34) Sun System Mag XXXL 8" reflectors, nine (9) Hydrotek lights, and numerous electrical cords

and ventilation pipes. MINE officers also seized suspected drug packaging material and trace amounts of marijuana.

2. Detectives spoke with the manager and received a copy of the lease agreement for the storage unit. Detectives found that the unit was rented on April 4, 2009, by Bryan MACMILLAN and Vic JEFFRIES. MACMILLAN and JEFFRIES represented that they were associated with a business known as JUSTIFIED CONSULTING and NORTH SOUTH PROPERTIES. Further noted on the lease agreement was that John HOLM worked with the aforementioned subjects and resided in Des Moines, Iowa. MINE officers and Intelligence Analysts searched multiple databases and were unable to identify MACMILLAN or JEFFRIES. Officers did identify John Wesley HOLM and found that HOLM was associated to several addresses in the Des Moines, Iowa, area and the Minneapolis, Minnesota, area.

3. On November 24, 2010, MINE officers were contacted by the manager of the storage facility. Officers were advised that a white van had arrived at the facility, that the occupant or occupants had accessed the suspect storage unit, and then departed the area a short time later. The manager provided officers with license plate number 780 WRF as the plate that was displayed on the van. A later query through the Iowa D.O.T. database showed that 780 WRF was assigned to a white 2008 GMC Savana van registered to MICHAEL'S LAWN and EXCAVATION, LLC with an associated address of 8657 Douglas Avenue #260, Urbandale, Iowa.

4. During the ongoing investigation, MINE officers found that the listed address for MICHAEL's LAWN and EXCAVATION, LLC was the United Parcel Service (UPS) store in Urbandale, Iowa. Further, MINE officers reviewed paperwork filed with the

Iowa Secretary of State for MICHAEL'S LAWN and EXCAVATION, LLC. Officers found that Daryl BUCZKOWSKI was listed as the Registered Agent for the aforementioned LLC and noted that the paperwork was filed on April 16, 2009.

5. MINE officers contacted Special Agents with the Drug Enforcement Administration (DEA) and requested their assistance with on the ongoing investigation. Agents worked with MINE officers and identified a Facebook account for HOLM. Attached to the Facebook account were photos of a subject with what appeared to be cultivated marijuana and additional photos of HOLM and others posing in an unknown outdoor location with what appeared to be marijuana plants. Agents also determined that John Wesley HOLM was associated with a business known as JUSTIFIED VENTURES, LLC. Further, agents learned that Mid American Energy associated HOLM with 7212 Longboat Drive, Johnston, Iowa. Agents conducted a query through the Polk County Assessor for information associated with 7212 Longboat Drive, Johnston, Iowa. At that time, agents found that ADVANTAGE HOMES, LLC and COMMUNITY STATE BANK, NA were listed as the title holders for 7212 Longboat Drive, Johnston, Iowa, and that RICHARD MILLER, LLC was listed as the contract buyer. Agents reviewed paperwork filed with the Iowa Secretary of State for RICHARD MILLER, LLC. Agents found that Betty MARIANI was listed as the Registered Agent for the aforementioned LLC with an associated address of 8657 Douglas Avenue #166, Urbandale, Iowa. Agents further noted that the paperwork was filed on April 2, 2009.

6. During the ongoing investigation, agents served an administrative subpoena to the UPS store for information associated with 8657 Douglas Avenue #260, Urbandale, Iowa, (MICHAEL'S LAWN and EXCAVATION, LLC) and 8657 Douglas Avenue #166,

Urbandale, Iowa, (RICHARD MILLER, LLC). The UPS store complied with the subpoena and provided agents with a copy of the mailbox service agreement which showed that Daryl BUCZKOWSKI and MICHAEL'S LAWN and EXCAVATION, LLC had rented box #260 and that Betty MARIANI and RICHARD MILLER, LLC had rented box #166. Daryl BUCZKOWSKI provided the UPS store with an Illinois driver's license and a Bank of America Business Check Card Visa at the time he signed the rental agreement. MARIANI provided the UPS store with an Illinois driver's license and an Illinois identification card at the time she signed the rental agreement.

7. During the ongoing investigation, agents conducted a query through the Illinois D.O.T. database. Agents located an Illinois driver's license issued to Daryl M. BUCZKOWSKI (DOB 10-\*\*-1952) on April 13, 2010. At the time the license was issued, Daryl BUCZKOWSKI listed his address as 2410 3<sup>rd</sup> Street, Peru, Illinois. Agents located an Illinois identification card issued to Betty J. MARIANI (DOB 09-\*\*-1928) on December 17, 2010. At the time the identification card was issued, MARIANI listed her address as 2731 2<sup>nd</sup> Street, Peru, Illinois. Further, agents located an Illinois identification card issued to Dale M. BUCZKOWSKI (DOB 05-\*\*-1979) on December 17, 2010. At the time the identification card was issued, Dale BUCZKOWSKI listed his address as 2731 2<sup>nd</sup> Street, Peru, Illinois.

8. During the ongoing investigation, agents served a grand jury subpoena to Bank of America for account information and monthly statements associated with the debit card ending in 4759 in the name of MICHAEL'S LAWN and EXCAVATION, LLC. The aforementioned debit card had been provided to the UPS store as a form of identification at the time Daryl BUCZKOWSKI had rented #260. Bank of America complied with the

subpoena and provided documentation to agents which showed that Daryl BUCZKOWSKI had opened the business checking account on April 17, 2009, with a \$10,000.00 deposit. Agents noted that over \$7,000.00 was withdrawn from the account within the first month. Agents further noted that no additional deposits were made into the account and that the account carried a negative balance from September 2010 through December 2010. Agents noted that the account showed as a force closed account on December 24, 2010.

9. In April of 2012, the Johnston Police Department received a complaint from a concerned citizen regarding suspicious activity at 7323 Longboat Drive, Johnston, Iowa. The concerned citizen reported that often times there is a "skunk" smell when they walk past the residence. The concerned citizen stated that when the resident arrives home, he immediately pulls into the garage and closes the garage door. The concerned citizen further stated that the garage does not have any working overhead lights. The concerned citizen stated that the concerned citizen has never seen any activity outside of the residence and that a lawn service performs the yard work. The concerned citizen stated that no lights are ever observed on within the residence and the one window in which you might see a light on is usually a glowing light which the concerned citizen stated could possibly be a flashing television. The concerned citizen stated that one night during the previous summer, the concerned citizen and others observed a white van pull out of 7212 Longboat Drive, Johnston, Iowa, and pull over to 7323 Longboat Drive, Johnston, Iowa. The concerned citizen stated that they unloaded something from the van and quickly went inside. The concerned citizen stated that no lights were turned on within the residence. The concerned citizen stated that on another occasion, the concerned citizen and others

observed that the subject had arrived home at 7323 Longboat Drive, Johnston, Iowa. The concerned citizen stated that a neighbor went over to 7323 Longboat Drive, Johnston, Iowa, to ask the resident a question about lot lines. The concerned citizen stated that no one would answer the door even though the concerned citizen and others had just observed someone arrive home at the residence.

10. During the ongoing investigation, agents conducted a query of the Polk County Assessor for information related to 7323 Longboat Drive, Johnston, Iowa. The Polk County Assessor listed M & B INVESTMENTS, LLC as the title holder for 7323 Longboat Drive, Johnston, Iowa, and Timothy LANTZ as the contract buyer.

11. On April 11, 2012, MINE officers conducted surveillance in the area of 7323 Longboat Drive, Johnston, Iowa. MINE officers observed that a red Ford Focus which bore Iowa license plate 397 XTJ had arrived at the residence. A later query through the Iowa D.O.T. database showed that 397 XTJ was assigned to a red 2000 Ford Focus registered to Timothy Michael LANTZ at 8805 Chambery Boulevard, Suite #300, Johnston, Iowa. MINE officers later confirmed that the aforementioned address was the UPS store in Johnston, Iowa. During the ongoing investigation, MINE officers conducted a query through the Illinois D.O.T. database. Officers located an Illinois driver's license issued to Timothy M. LANTZ (DOB 10--\*\*-1977) on October 3, 2007. At the time the license was issued, LANTZ listed his address as 400 W. Crestwood Drive, Peoria, Illinois.

12. On April 17, 2012, MINE officers traveled to the area of 7212 Longboat Drive, Johnston, Iowa, and 7323 Longboat Drive, Johnston, Iowa. MINE officers noted that the trash container was not out for collection at 7212 Longboat Drive, Johnston, Iowa,

however the trash container for 7323 Longboat Drive, Johnston, Iowa, was placed at the curb for collection. MINE officers collected trash from the container and transported it to the MINE Drug Task Force Office for examination. MINE officers located mail addressed to Timothy LANTZ at 7323 Longboat Drive, Johnston, Iowa, mail addressed to Timothy LANTZ at 8805 Chambery Boulevard, Suite #300, Johnston, Iowa, mail addressed to Dale BUCZKOWSKI at 7323 Longboat Drive, Johnston, Iowa, an American Airlines boarding pass issued to Timothy LANTZ, and a small amount of a green leafy substance and plant stem officers believed to be from a marijuana plant.

13. In April, May, and June of 2012, MINE officers and DEA agents conducted physical and video surveillance in the area of 7212 Longboat Drive, Johnston, Iowa, and 7323 Longboat Drive, Johnston, Iowa. During that time period, agents noted that all of the window coverings at 7212 Longboat Drive, Johnston, Iowa, and 7323 Longboat Drive, Johnston, Iowa, were down or drawn closed during their surveillance. Agents further noted that ever since 2011 when agents originally identified 7212 Longboat Drive, Johnston, Iowa, in this investigation, agents had always observed all windows fully covered, including the small vertical windows on each side of the front door.

Additionally, agents noted that the trash container for 7212 Longboat Drive, Johnston, Iowa, was usually setting outside the residence and not placed at the curb for collection and that the trash container for 7323 Longboat Drive, Johnston, Iowa, was not placed at the curb every week for collection. Agents noted no pedestrian traffic and very minimal vehicle traffic at either location, and what was observed usually occurred at night. In reviewing video surveillance, agents observed what had been previously described by the concerned citizen, that being, the Ford Focus arriving at 7323 Longboat Drive, Johnston,



Iowa, and pulling into a dark garage and closing the door prior to the occupant exiting the vehicle. Agents also reviewed video surveillance for June 15, 2012, and observed that a van had pulled into the garage at 7323 Longboat Drive, Johnston, Iowa, at 2:06AM. Agents noted that the vehicle left later that same morning at 9:41AM. Although agents could not make out a license plate or the number of occupants, agents were able to determine that the vehicle was a white in color cargo van and from the logo on the grill were able to determine that the make of the vehicle was a GMC. Through the physical and video surveillance, agents concluded that no activity was observed at either residence for days at a time.

14. Agents have reviewed documents on file with the Polk County Recorder regarding the contract sale of 7212 Longboat Drive, Johnston, Iowa. Agents found that on April 16, 2009, ADVANTAGE HOMES, LLC sold RICHARD MILLER, LLC 7212 Longboat Drive, Johnston, Iowa, on contract for \$210,000.00, of which \$30,000.00 had been paid. The contract further stated that the buyer (RICHARD MILLER, LLC) shall pay \$5,000.00 per month, including interest, commencing on May 15, 2009, and continuing on the 15<sup>th</sup> day of each month thereafter until all principal and interest due has been paid in full. Agents noted that the contract was signed by Betty MARIANI. Agents found that on June 12, 2012, a Special Warranty Deed was filed showing the contract purchase for 7212 Longboat Drive, Johnston, Iowa, had been satisfied.

15. Agents have reviewed documents on file with the Polk County Recorder regarding the contract sale of 7323 Longboat Drive, Johnston, Iowa. Agents found that on April 17, 2009, M & B INVESTMENTS, LLC sold Timothy LANTZ 7323 Longboat Drive, Johnston, Iowa, on contract for \$342,500.00, of which \$30,000.00 had been paid. The

contract further stated that the buyer shall pay \$2,471.23 beginning on the 1<sup>st</sup> day of May 2009, and each and every month thereafter. The contract showed that the outstanding balance shall accrue at an interest rate of 5% per annum on a 15 year amortization with a one year option.

16. During the course of the investigation, agents served an administrative subpoena to Mid American Energy for customer information and monthly electrical and gas utility power consumption associated with 7212 Longboat Drive, Johnston, Iowa. Mid American complied with the subpoena and provided documentation which listed MaryLou B. MARINAS as the customer assigned to the account since May 13, 2010, with a mailing address of 2815 100<sup>th</sup> Street, Suite #166, Urbandale, Iowa. Through the ongoing investigation, agents were aware that 2815 100<sup>th</sup> Street, Suite #166, Urbandale, Iowa, was the new location for the UPS store previously located at 8657 Douglas Avenue, Urbandale, Iowa, and that #166 was rented by Betty MARIANI and RICHARD MILLER, LLC. Agents have reviewed monthly statements from May 21, 2010, through August 17, 2012. Agents found that the residence averaged approximately 1,722 kilowatts of energy per month. Agents noted that the highest monthly usages were 2,778, 2,802, and 2,905 respectively. Agents also found that some of the payments to Mid American were made in amounts of \$300.54, \$1,000.00, \$480.00, \$1,000.00, \$800.00, and \$1,000.00. Money Gram Money Orders were utilized for at least two (2) of the payments in the amounts of \$300.54 and \$1,000.00. Further, agents found that an excess credit was usually carried with Mid American for several months at a time.

17. During the course of the investigation, agents served an administrative subpoena to Mid American Energy for customer information and monthly electrical and gas utility

power consumption associated with 7323 Longboat Drive, Johnston, Iowa. Mid American complied with the subpoena and provided documentation which listed Timothy M. LANTZ as the customer assigned to the account since April 17, 2009. Agents have reviewed monthly statements from December 21, 2010, through August 17, 2012. Agents found that the residence averaged approximately 2,259 kilowatts of energy per month. Agents noted that the highest monthly usages were 3,143, 3,453, and 5,866 respectively. Agents found that payments to Mid American Energy were from an account at Wells Fargo with the last four of the account number ending in 8246.

18. During the course of the investigation, agents served an administrative subpoena to Mid American Energy for monthly electrical and gas utility power consumption associated with two (2) residences within the same subdivision as 7212 Longboat Drive, Johnston, Iowa, and 7323 Longboat Drive, Johnston, Iowa. Mid American complied with the subpoena and provided agents with monthly statements from August 19, 2011, through August 20, 2012. Agents found that the residences averaged approximately 814 and 1,298 kilowatts of energy per month respectively. Agents further noted that these residences appeared to be occupied by multiple persons and lights were observed on within the residence during evening hours, unlike 7212 Longboat Drive, Johnston, Iowa, and 7323 Longboat Drive, Johnston, Iowa, which for the most part appear unoccupied and lights are not observed within the residence at night.

19. During the ongoing investigation, agents served a grand jury subpoena to Wells Fargo Bank NA Iowa for account information and monthly statements associated with the account ending in 8246 in the name of Timothy LANTZ. The aforementioned bank account had been utilized during payments to Mid American Energy for service

associated with 7323 Longboat Drive, Johnston, Iowa. Wells Fargo complied with the subpoena and provided documentation to agents which showed that Timothy M. LANTZ had opened the checking account on October 13, 2009. Agents noted that at the time the account was established, LANTZ reported that LANTZ worked for CUSTOM METAL FABRICATIONS. Agents have reviewed monthly bank statements from November 2010 through June of 2012. Agents noted that during that time period, no biweekly direct deposits from an employer could be identified. Agents further found that beginning in approximately November 2011, and up through June 1, 2012, almost all deposits noted on the monthly statements were shown as ATM cash deposits. In March 2012, for example, agents found three (3) ATM cash deposits on March 5th in the amounts of \$1,000.00, \$1,000.00, and \$500.00, a check deposit on March 6th for \$1,500.00, three (3) ATM cash deposits on March 12th for \$540.00, \$500.00, and \$300.00, an ATM cash deposit on March 26<sup>th</sup> for \$600.00, an ATM cash deposit on March 27<sup>th</sup> for \$620.00, two (2) ATM cash deposits on March 29<sup>th</sup> for \$820.00 and \$120.00, and an ATM cash deposit on March 30<sup>th</sup> for \$1,000.00. Agents noted that besides the Mid American bill, LANTZ appeared to pay the mortgage, credit cards, and other day to day expenses out of this account.

20. On August 21, 2012, MINE officers traveled to the area of 7323 Longboat Drive, Johnston, Iowa. MINE officers noted that the trash container for 7323 Longboat Drive, Johnston, Iowa, was placed at the curb for collection. MINE officers collected trash from the container and transported it to the MINE Drug Task Force Office for examination. MINE officers located a green leafy substance believed to be marijuana within the collected garbage.

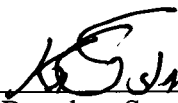
21. On September 13, 2012, agents spoke with the concerned citizen that had reported the suspicious activity to Johnston Police in April of 2012. The concerned citizen stated that the concerned citizen still resides within the subdivision and walks their pet by the residences on occasion. The concerned citizen stated that the "skunk" smell is still present at times when the concerned citizen walks past 7323 Longboat Drive, Johnston, Iowa. Agents asked the concerned citizen about additional observations of the residences. The concerned citizen stated that the shades or window coverings are still down or drawn on all the windows and that lights are not observed at either residence, except for the occasional flickering light within 7323 Longboat Drive, Johnston, Iowa, as previously described by the concerned citizen in April of 2012. Agents asked the concerned citizen if the concerned citizen believed anyone resided within 7212 Longboat Drive, Johnston, Iowa. The concerned citizen stated that they did not believe anyone lived at the residence based on the concerned citizen's observations.

22. On September 14, 2012, agents presented a sworn affidavit to the Honorable U.S. Magistrate Judge Celeste F. Bremer. Based upon information contained within the affidavit, Judge Bremer issued federal search warrants for 7323 Longboat Drive, Johnston, Iowa, and 7212 Longboat Drive, Johnston, Iowa.


23. On September 19, 2012, at approximately 8:10AM, agents and MINE officers executed the federal search warrant at 7323 Longboat Drive, Johnston, Iowa. After knocking and announcing their presence, forced entry was made into the residence. Once agents entered the residence, agents encountered a white male, later identified as Timothy Michael LANTZ, on the first floor of the residence. LANTZ was detained as agents continued to clear the rest of the residence. Agents found that no other occupants were

present within the residence. During the search of the residence, agents located approximately one hundred and fifty (150) small "starter" marijuana plants within a small bedroom on the main level of the residence. Agents also found that the entire basement contained an operational indoor marijuana grow that was divided into four (4) separate rooms. Agents found approximately four hundred (400) potted plants within the basement in various stages of growth, along with sophisticated electrical systems, lighting systems, ventilation systems, and watering systems that had been installed within the residence to support the indoor marijuana grow operation. Agents also found a processing room within the basement which contained numerous large plastic containers found to contain harvested marijuana plants, stocks, seeds, and stems. Agents noted that within the same room were scales, packaging material, loose marijuana, blenders which contained marijuana residue, and a piece of cardboard with handwritten notes that appeared to depict weights of previously harvested and packaged marijuana.

Based upon the aforementioned, your affiant believes there is probable cause to issue an arrest warrant for Timothy Michael LANTZ for the charge of Manufacturing a Schedule I Controlled Substance , in violation of Title 21 United States Code, Sections 841(a)(1) and 841(b)(1)(B).

  
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Korey F. Bearden, Special Agent  
U.S. Drug Enforcement Administration

Subscribed and sworn to before me this 20th day of September, 2012.

  
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Honorable Celeste F. Bremer, Magistrate Judge  
United States District Court  
Southern District of Iowa